

EXHIBIT 2

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1 prosecutor on duty.

2 Q. (By Mr. Stein) So currently under the E-Charge
3 system, when the file comes back from Pretrial to the
4 DA's Office, the log manager is responsible for
5 transposing the recommended bond amount onto the
6 charging instrument with oversight by the chief
7 prosecutor?

8 A. I don't know if I'd use the term transpose, but
9 they select the type of bond recommended based on what
10 is reflected on the written public safety assessment,
11 yes. And then it is then reviewed for accuracy and
12 confirmed by the chief prosecutor on duty before they
13 place their electronic signature on the documentation
14 for filing.

15 Q. And when you say you wouldn't use the word
16 transpose, why is that?

17 A. I just think there's a simpler way. I would
18 just put it -- phrase it differently than you.

19 Q. The reason I'm asking is because I want to
20 understand whether when that log manager looks at what
21 you're calling the second page of the PSA and sees that
22 recommendation, whether that log manager just copies
23 what they see there and submits it to the chief
24 prosecutor for review, or whether there's some element
25 of discretion or judgment that that log manager gets to

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1 use in deciding what amount to submit to the chief
2 prosecutor to place onto the charging instrument?

3 A. There is no discretion by the log manager or
4 the chief prosecutor when it comes to the bond amount
5 that is placed on the charging documentation. It must
6 correspond with the amount that is reflected on the bond
7 recommendation portion of the public safety assessment.

8 Q. And so when you say that the chief prosecutor
9 reviews what the log manager submits for accuracy, how
10 does the chief prosecutor assess the accuracy of what
11 the log manager has submitted?

12 A. The chief prosecutor looks at the bond
13 recommendation form and then looks at the appropriate
14 tab in the E-Charge file to make sure that the entry is
15 identical to the recommendation.

16 Q. So the chief prosecutor is not making any
17 assessment about whether the recommendation received
18 from Pretrial is accurate, the chief prosecutor is just
19 assessing whether the amount submitted by the log
20 manager matches what you're calling the second page of
21 the PSA; is that right?

22 A. The DA's Office and the chief prosecutor or any
23 other personnel at intake makes no recommendation or
24 assessment of what's received from Pretrial. We simply
25 utilize the information given to us from Pretrial

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1 trained initially by me as well as observing other
2 prosecutors on the day shift for two weeks. There will
3 also -- if there are changes to the law or procedure,
4 then there will be trainings relative to those
5 particular topics, as I stated earlier, such as the bail
6 reform laws that recently went into effect in December
7 and January and just as needed to address any particular
8 issues with process, procedure and substance as they
9 arise.

10 Q. (By Mr. Stein) All right. I'm going to ask
11 you some questions about whether the actions you took in
12 Ka'Darian Smith's case were consistent with the District
13 Attorney's Office's policies regarding communications
14 with judges and bond requests.

15 Now, in Mr. Smith's case, you were the ADA
16 present at the 15.17 hearing, correct?

17 MR. NICHOLS: Jeff, so you've mentioned
18 earlier as part of your long prologue in asking a bunch
19 of understandings about the deposition that you were
20 going to be covering matters that relate to the DA's
21 Office generally in her organizational capacity. Am I
22 now hearing that you want to ask questions specifically
23 about a particular case in her individual capacity?

24 MR. STEIN: Mr. Nichols, we've already
25 litigated whether we get to inquire about whether the

1 conduct in that case was consistent with the official
2 policies. Ms. Keith's position as an organizational
3 representative is perfectly appropriate to answer
4 questions about that topic.

5 MR. NICHOLS: Yeah. And, Jeff, I politely
6 and respectfully disagree with your characterization as
7 to what was "litigated."

8 My recollection is that there was some
9 discussion about talking about, in general, about the
10 policies that the DA's Office has with respect to
11 ex parte communications with judges.

12 I don't recall any litigation, much less
13 ruling, that said that it would be appropriate to go
14 into the facts and circumstances of a particular case.

15 MR. STEIN: I'm just going to pull up --
16 it's one of like the three points that we raised before
17 Judge Rosenthal. And specifically, it was whether Ms.
18 Keith's alerting of prosecutors in Judge Randy Roll's
19 courtroom about a hearing officer's imposition of a
20 personal bond in an aggravated assault case was
21 consistent with HCDAO policies regarding communications
22 with judges and bond requests.

23 MR. NICHOLS: Yes.

24 MR. STEIN: You raised it before Judge
25 Rosenthal. I explained the relevance of that line of

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1 questioning. Judge Rosenthal agreed that we are
2 permitted to reopen on that, and so...

3 MR. NICHOLS: Respectfully, I think the
4 discussion before Judge Rosenthal, which was in the
5 context of a premotion conference, related to the
6 policies that the DA's Office has with respect to
7 ex parte communications.

8 So I just want to make sure it's clear on
9 the record that now you're not asking for her to testify
10 about that subject, you're asking her to testify about
11 an individual case in which she individually was
12 involved?

13 MR. STEIN: I'm asking her about a case
14 because it bears on the policies. My questions are
15 about whether the conduct there was consistent with the
16 policies.

17 MR. NICHOLS: All I want to make sure to
18 get clear, Jeff, the record that you're now asking for
19 -- I'm not saying I'm not going to let her testify to
20 it. The record that you're asking about is her
21 individual perception of a particular case as opposed to
22 general Harris County District Attorney's Office
23 policies? And if you just help us out by that,
24 especially in light of your comment at the beginning
25 that said you were only going to talk about things in

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1 her capacity as an organizational representative, I
2 think that'll help move things along.

3 MR. STEIN: In the interest of moving
4 things along and as a good faith agreement, I'll agree
5 to ask in your individual capacity with the
6 understanding that then we will be able to move through
7 this relatively smoothly, not have to argue about
8 whether it's properly within the scope so that everyone
9 can go home hopefully very soon.

10 MR. NICHOLS: All right. Could you ask
11 your question again, please.

12 Q. (By Mr. Stein) In Mr. Smith's case, you were
13 the ADA present at the 15.17 hearing, correct?

14 MR. NICHOLS: Objection, form, and beyond
15 the scope.

16 Ms. Keith, you can answer.

17 A. Yes, I was.

18 Q. (By Mr. Stein) And in that case, you asked the
19 hearing officer to impose a \$30,000 secured bond?

20 MR. NICHOLS: Objection to form and beyond
21 the scope.

22 Ms. Keith, you can answer.

23 A. I believe that's what I asked for, yes.

24 Q. (By Mr. Stein) I'm going to throw Exhibit 11
25 into the chat, going to put it up on the screen share so

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1 we can all look at it.

2 (Exhibit 11 marked.)

3 Q. (By Mr. Stein) All right. And I'm going to
4 fast forward to time stamp 26:09.

5 Now, this is a video of that 15.17
6 hearing; is that correct?

7 A. It appears to be, yes.

8 Q. And beginning at time stamp 26:09, I'm going to
9 press play. Let me know if you have trouble hearing.

10 (Video played.)

11 Q. (By Mr. Stein) And I'm stopping at time stamp
12 26:20.

13 Were you able to hear the hearing officer
14 say, "I will approve you for a personal bond"?

15 A. Yes.

16 Q. Now, following a later unrelated 15.17 hearing
17 of that same docket, you came back to address the
18 hearing officer in Mr. Smith's case, correct?

19 A. Yes.

20 Q. I'm going to fast forward to 31:08. And I'm
21 going to play it for you now.

22 (Video played.)

23 Q. (By Mr. Stein) And I'm stopping at 31:45.

24 Were you able to hear that clip?

25 A. Yes.

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1 Q. Who was the prosecutor in Judge Roll's
2 courtroom that you contacted?

3 MR. NICHOLS: Objection, form.

4 A. Allen Otto was the chief in the court.

5 MR. NICHOLS: Yeah, I'm just objecting to
6 form and beyond the scope; but let's just move through
7 this.

8 Q. (By Mr. Stein) How did you contact the
9 prosecutor in Judge Randy Roll's courtroom?

10 MR. NICHOLS: Objection to form, beyond
11 the scope.

12 A. I believe it was by email.

13 Q. (By Mr. Stein) And what did you tell the
14 prosecutor to relay to Judge Randy Roll?

15 MR. NICHOLS: Objection to form and beyond
16 the scope.

17 A. I did not tell the prosecutor to relay any
18 information to Judge Roll.

19 Q. (By Mr. Stein) What did you tell the
20 prosecutor in Judge Randy Roll's courtroom?

21 MR. NICHOLS: Objection, form, and beyond
22 the scope.

23 A. I advised him of the ruling made during the
24 15.17 hearing as I had prior knowledge from prior cases
25 of Judge Roll's supposed policy regarding aggravated

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1 offenses. So I simply advised him of the outcome of the
2 15.17 hearing for that particular defendant.

3 Q. (By Mr. Stein) Did you advise other
4 prosecutors in other courtrooms that day of outcomes in
5 the 15.17 hearing over email as you did in this case?

6 MR. NICHOLS: Objection, form, and beyond
7 the scope.

8 A. I may have. I don't have any independent
9 recollection of whether I did or this particular day.
10 But it is not an uncommon occurrence for the hearing
11 court prosecutor to notify the trial court prosecutors
12 of bail hearing outcomes for defendants pending -- with
13 cases pending in their courts for a variety of reasons.

14 Q. (By Mr. Stein) When the hearing officers issue
15 a bail ruling in a particular case at the 15.17 hearing,
16 do you record that ruling in the case file or otherwise
17 memorialize it as part of the case file?

18 MR. NICHOLS: Now, I think he's back in
19 the mode of asking an organizational representative
20 question.

21 MR. STEIN: That's correct.

22 A. Yes, we make internal -- we record it
23 internally; and it is also memorialized in the
24 documentation that is generated by the hearing officers
25 at the conclusion of each bail hearing.

1 Q. (By Mr. Stein) And the calendar prosecutors in
2 the district courtroom will receive the case file with
3 the hearing officer's ruling recorded in it, correct?

4 A. I'm sorry. What prosecutors are you referring
5 to?

6 Q. The prosecutor in the home judge's courtroom.

7 A. They have access to the documentation, the
8 digital documentation, that the hearing court prosecutor
9 makes; but it's not necessarily directly provided to
10 them. It's contained as part of the entirety of the
11 digital file for that case.

12 Q. And that prosecutor will receive the digital
13 file; is that correct?

14 A. They will have access to it as part of the --
15 they can access it when they go in to review all of the
16 accompanying documentation for that case, yes.

17 Q. In other words, the prosecutors in the home
18 court don't need to be emailed directly about the
19 hearing officer's ruling to know what the hearing
20 officer did; is that correct?

21 MR. NICHOLS: Objection, form.

22 A. That's correct.

23 Q. (By Mr. Stein) So if that's the case, why did
24 you email in your individual capacity, in the interest
25 of moving things along, why did you email the prosecutor

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1 in the home judge's courtroom in Mr. Smith's case?

2 MR. NICHOLS: Objection, form, and beyond
3 the scope.

4 A. As I said, I was aware from prior cases in that
5 court of Judge Roll's supposed policy regarding personal
6 bonds on aggravated offenses. And additionally, I did
7 not feel that a personal bond under the facts and
8 circumstances of that case was appropriate and felt that
9 the trial court prosecutors should know, based on the
10 particular facts of this case, that a personal bond was
11 granted.

12 Q. (By Mr. Stein) Did the prosecutors in the
13 courtroom of Judge Randy Roll respond to your email?

14 MR. NICHOLS: Objection to form and beyond
15 the scope.

16 A. I believe at some point that the chief
17 prosecutor in the court advised me that they
18 acknowledged my communication and whatever was
19 relayed -- whatever information was relayed to me in
20 response by the prosecutors is what I told the hearing
21 officer as is reflected in the video.

22 I don't have a specific recollection of
23 what the exact communication was, but it's pretty much
24 reflected in what I told the court.

25 Q. (By Mr. Stein) Would that communication have

1 been over email?

2 MR. NICHOLS: Objection, form, and beyond
3 the scope.

4 A. Based on the video and the fact that I didn't
5 pick up a phone, I believe that it probably was.

6 Q. (By Mr. Stein) Again, I'm asking you this in
7 your representational capacity. Is relaying information
8 to prosecutors in a home court or a home judge courtroom
9 about a hearing officer's bail decision that you
10 disagreed with consistent with HCDAO policy?

11 A. Are you referring to a particular policy?

12 Q. I'm referring to any policies that HCDAO has,
13 whether that conduct is consistent or inconsistent with
14 HCDAO policy?

15 MR. NICHOLS: Objection, form, and beyond
16 the scope.

17 A. It is not inconsistent with any policy in our
18 office for one prosecutor to provide information whether
19 it is subjective or objective to another prosecutor
20 about a case that they either are personally handling or
21 is pending in their court.

22 Q. (By Mr. Stein) So the action that you took in
23 Mr. Smith's case were consistent with HCDAO policies; is
24 that fair?

25 MR. NICHOLS: I think we're back to

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1 individual land where we are right now. So objection to
2 form and beyond the scope.

3 But let's hope that this is Mr. Stein's
4 last question, and we can move on.

5 A. Yes, it was consistent.

6 Q. (By Mr. Stein) Was your conduct in that case
7 consistent or inconsistent with trainings or other
8 guidances that you have been given or that you have
9 given to other prosecutors at HCDAO?

10 MR. NICHOLS: So we're back to individual
11 question land. Ms. Keith, I'll let you answer that
12 question again. But after that, we're going to start
13 instructing you not to answer. Go ahead.

14 A. Yes, it is consistent with policy and training
15 that a prosecutor is permitted to communicate with
16 another prosecutor regarding information relevant to the
17 case they are personally handling or cases pending in
18 their court, their assigned court.

19 Q. (By Mr. Stein) And is it consistent with HCDAO
20 policy for a home court prosecutor to relay information
21 like that you conveyed in Mr. Smith's case to a home
22 court judge even though the arrestee and the lawyer are
23 not present?

24 MR. NICHOLS: Yeah, so that's a different
25 question that relates to things that she hadn't even

1 talked about in her individual capacity. So I'm going
2 to instruct her not to answer that question.

3 You can ask it another way. Jeff, you're
4 getting now to the topic that I believe was the subject
5 of, as you say, litigation, which is what is the Harris
6 County District Attorney's Office's general policy with
7 respect to ex parte communications with judges.

8 She is here as a representative to address
9 that issue if you decide that it's in your clients' best
10 interests to do that.

11 MR. STEIN: That's the issue that I'm
12 trying to get at here, Mr. Nichols.

13 MR. NICHOLS: Okay. But the problem is
14 you referred to this specific case. And you made a
15 linkage to a communication with a judge that is not
16 supported by anything that's come out in the deposition
17 or otherwise. So if you want to ask the question
18 generally, I have no objection.

19 Q. (By Mr. Stein) I'm asking whether the
20 prosecutors, the home court prosecutors, relaying of the
21 information that you provided to Judge Randy Roll in Mr.
22 Smith's case was consistent with HCDAO policies
23 regarding ex parte communications?

24 MR. NICHOLS: Yeah, I'm --

25 Q. (By Mr. Stein) And I'm asking you that --

1 MR. STEIN: I'm sorry.

2 Q. (By Mr. Stein) I'm asking you that in your
3 organizational representative capacity because it bears
4 directly on what HCDAO's policies are and how they're
5 applied.

6 MR. NICHOLS: Yeah. And so the way you
7 phrased it, I'll object to the form. It's beyond the
8 scope.

9 And, Ms. Keith, if you can answer that
10 question on behalf of the Harris County District
11 Attorney's Office, I guess you can, but, you know...

12 A. I can't speak to anything that the prosecutors
13 in this particular case did once I provided the
14 information because I was not present to have personal
15 knowledge about that.

16 But what I can say is that it is the
17 policy of the District Attorney's Office, as is
18 reflected in our discretion manual 10.2, that ex parte
19 communication with the court regarding any matter of a
20 pending case is inappropriate, and it violates -- it
21 would violate the office policy as well as could
22 potentially violate and likely violate the rules of
23 disciplinary procedure that all lawyers are subject to.
24 And, you know, obviously the court itself is subject to
25 the code of judicial conduct.

1 So not speaking to this particular
2 instance, but generally, we are governed by policies in
3 our discretion manual that prohibit ex parte
4 communication with a court regarding a pending case.

5 Q. (By Mr. Stein) I understand that you were not
6 present in the home courtroom, but you were aware that
7 Judge Randy Roll received information from the home
8 court prosecutor about this case, correct?

9 MR. NICHOLS: Objection, form.

10 I think he's asking in your individual
11 capacity, and it's beyond the scope.

12 A. I don't know what information the prosecutors
13 provided to the judge. As I stated, what I told the
14 court in the video would be reflective of the
15 information that I was provided by the trial court --
16 the home court prosecutor. And I don't believe there
17 was any reference to any specific statements made by the
18 court, only that there was a possibility that the
19 personal bond could be revoked. And that was based on
20 the information I was provided by that prosecutor.

21 Q. (By Mr. Stein) And you know now that the
22 personal bond in Mr. Smith's case was revoked in your
23 individual capacity, correct?

24 MR. NICHOLS: Objection to form, beyond
25 the scope.

1 A. I believe that it was, but I also believe the
2 \$30,000 that had been pre-recommended by the risk
3 assessment had already been posted while he was present
4 in the courtroom anyway.

5 Q. (By Mr. Stein) When you say you believe, you
6 know that there was a Chronicle article written about
7 how Judge Randy Roll revoked Mr. Smith's personal bond
8 based on the information that Judge Randy Roll received
9 from the prosecutor that you contacted?

10 MR. NICHOLS: Objection, form, and beyond
11 the scope.

12 A. I believe you brought that up, yes, in the
13 original deposition.

14 Q. (By Mr. Stein) And so my question, in your
15 organizational representative capacity, is whether
16 assuming that the home court prosecutor relayed all the
17 information that you gave him about Mr. Smith's case to
18 Judge Randy Roll, whether that prosecutor's relaying of
19 that information to the home court prosecutor -- I'm
20 sorry, to Judge Randy Roll is consistent with HCDAO
21 policy?

22 MR. NICHOLS: Objection to form and beyond
23 the scope.

24 A. It may have. Like I said, I don't know all of
25 the circumstances surrounding the how or what

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1 information was provided; and I also didn't read the
2 Chronicle article, so...

3 Q. (By Mr. Stein) I'm not asking you to be a fact
4 witness to something you didn't hear. So let me just
5 phrase the question this way: Hypothetically, if that
6 home court prosecutor had told Judge Randy Roll the
7 hearing officer just gave someone charged with an agg
8 assault a personal bond so that Judge Randy Roll would
9 revoke that personal bond, would that ex parte
10 communication have been consistent with HCDAO policy?

11 MR. NICHOLS: Objection, form, and beyond
12 the scope.

13 A. It may have been.

14 Q. (By Mr. Stein) When you say "it may have
15 been," do you mean --

16 A. I'm sorry. It may not have been consistent
17 with policy.

18 Q. And when you -- why are you unable to give a
19 just decisive answer as to whether it was consistent or
20 inconsistent assuming the hypothetical that I gave you?

21 MR. NICHOLS: Objection, form, and beyond
22 the scope.

23 A. Because I don't have all of the information as
24 to how the communication transpired and who may or may
25 not have been present.

1 Q. (By Mr. Stein) Can you explain what
2 information you would need that you don't have about who
3 may or may not have been present?

4 MR. NICHOLS: Objection, form, and beyond
5 the scope.

6 A. I don't know if -- exactly what was said to
7 Judge Roll. I don't know if Judge Roll reviewed any
8 documents that were on-line relative to the bail hearing
9 or the defendant's financial affidavit, which is placed
10 on file. I don't know if -- I do know the defendant
11 wasn't present because the defendant clearly was present
12 at the 15.17 hearing, but I don't know if there was any
13 other representation present.

14 But if an attorney may have been appointed
15 to review any information prior to Judge Roll making
16 whatever decision that he made, I don't know any of
17 that.

18 Q. (By Mr. Stein) So just assuming that, as you
19 know, the arrestee, Mr. Smith, was not present, assuming
20 that he did not have a lawyer that he spoke with there
21 in Judge Randy Roll's courtroom because obviously, Mr.
22 Smith was in the 15.17 courtroom, would the prosecutors
23 relaying of information about the hearing officer's
24 ruling have been consistent or inconsistent with HCDAO
25 policy? And I'm just asking about the prosecutor's

1 relaying of that information to Judge Randy Roll.

2 MR. NICHOLS: And you're asking
3 specifically about hypothetical relaying of information?

4 MR. STEIN: Yes.

5 MR. NICHOLS: I mean, this is so far
6 beyond the scope.

7 Objection, form.

8 A. It may have been inconsistent.

9 Q. (By Mr. Stein) Have there been other times
10 that you have emailed prosecutors in home courtrooms
11 about hearing officers' 15.17 decisions on bail that you
12 disagreed with in your individual capacity?

13 A. Yes.

14 Q. Can you estimate how many?

15 MR. NICHOLS: Again, we're back in
16 individual land.

17 Objection to form, beyond the scope.

18 A. In the four years that -- almost four years
19 that I participated in bail hearings, I can't give you a
20 number.

21 Q. (By Mr. Stein) Would you say more than ten,
22 for example?

23 MR. NICHOLS: Objection, form, beyond the
24 scope.

25 A. Yes.

1 Q. (By Mr. Stein) Would you say more than 40?

2 MR. NICHOLS: Objection, form, beyond the
3 scope.

4 A. Likely, yes.

5 Q. (By Mr. Stein) Following Mr. Smith's 15.17
6 hearing, you were aware that the Chronicle published an
7 article about that hearing in your individual capacity,
8 correct?

9 MR. NICHOLS: Objection, form, beyond the
10 scope.

11 And, Jeff, just to give you fair warning,
12 I'm going to cut off this line of questioning in another
13 10 minutes, if it's not done by then already.

14 A. I became aware of the article when you brought
15 it up in the prior deposition.

16 Q. (By Mr. Stein) Your testimony today under oath
17 is that you are unaware that you were specifically named
18 in a Houston Chronicle article about Mr. Smith's 15.17
19 hearing?

20 MR. NICHOLS: Objection, form, beyond the
21 scope.

22 A. I don't specifically recall being aware of the
23 article prior to the deposition. It's possible I was.
24 It was -- but I don't have any independent recollection
25 of knowing about it before the deposition a year ago.

1 Q. (By Mr. Stein) Is it common for your name to
2 appear in Houston Chronicle articles in your individual
3 capacity?

4 MR. NICHOLS: All right. I'm going to
5 instruct the witness not to answer. Let's move on.

6 MR. STEIN: I'm sorry. What is the basis
7 for the instruction?

8 MR. NICHOLS: Because this has nothing to
9 do with the 30(b)(6) notice that we're here to resume a
10 deposition testimony on. I've tried to give you a lot
11 of leniency, a lot of rope, but now asking what's in the
12 mind of Jennifer Keith about a Houston Chronicle article
13 that she's already testified she has no recollection of
14 seeing, I mean, we've got a lot of people on this.

15 MR. STEIN: Mr. Nichols, I appreciate that
16 you are welcome to make objections and instruct the
17 witness not to answer. But I don't want --

18 MR. NICHOLS: You asked me for an
19 explanation. I'm trying to give it.

20 MR. STEIN: And there is a simple instruct
21 you not to answer, privileged; instruct you not to
22 answer, work product.

23 We don't need an extensive monologue, and
24 we don't need to have an exchange about it. It's your
25 prerogative to instruct her not to answer. This is

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1 going somewhere. It's setting up something. It's
2 something that's important.

3 MR. NICHOLS: Well, let's get there then.
4 Let's get to what we're here for which is the 30(b)(6)
5 deposition. If you have questions like we talked about
6 with Judge Rosenthal about policies of the DA's Office,
7 let's get to them. Let's not -- let's not --

8 MR. STEIN: That's what I'm trying to ask,
9 Mr. Nichols. So if I could just proceed. We're not
10 going to need 10 more minutes for this line of
11 questioning. I'm trying to finish it up, but I need to
12 ask this question. And the reason I need to ask it is
13 because the witness has testified that she was unaware
14 that she was featured in a Houston Chronicle article
15 about this very case.

16 MR. NICHOLS: I think she's testified that
17 she has no recollection of seeing the Houston Chronicle
18 article about a particular case prior to the time that
19 you showed it to her in her first deposition. I think
20 I'm being accurate in that. And I think that's --

21 Q. (By Mr. Stein) And, Ms. Keith, my question is:
22 Is the reason that you don't have specific recollection
23 of that article prior to being asked about it in this
24 case, because you're frequently featured by name in
25 Houston Chronicle articles?

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1 MR. NICHOLS: Yeah. So I'm so sorry. I
2 mean, Ms. Keith, if you can answer a question about
3 whether you believe that you are the frequent subject of
4 Houston Chronicle articles, yes or no, please answer
5 that question so we can move on.

6 A. I don't read the Chronicle.

7 Q. (By Mr. Stein) So is the answer you don't know
8 whether you're featured by name frequently in Houston
9 Chronicle articles?

10 A. I don't know if I am or if I'm not.

11 Q. Following that hearing and that article in the
12 Chronicle, did you ever discuss your actions in Mr.
13 Smith's case with any supervisors or others at the
14 Harris County District Attorney's Office in your
15 individual capacity?

16 MR. NICHOLS: Objection to form and beyond
17 the scope.

18 A. I don't recall discussing it with any
19 supervisors or other personnel after the hearing, no.

20 Q. (By Mr. Stein) So following Mr. Smith's
21 hearing and following that article, you did not have any
22 further discussions about Mr. Smith's case with anybody
23 at the Harris County District Attorney's Office?

24 MR. NICHOLS: Objection to form and beyond
25 the scope.

4 A. I do not recall having any conversations with
5 any supervisors or other District Attorney's Office
6 personnel specifically regarding this defendant, this
7 hearing or this case.

8 Q. (By Mr. Stein) And lastly, moving beyond just
9 conversations, did you receive any feedback in any way,
10 either positive or negative, from anyone else at the
11 Harris County District Attorney's Office in response to
12 your conduct in Mr. Smith's case?

13 MR. NICHOLS: Objection to form, beyond
14 the scope.

15 I'm sure this is his last question on this
16 subject, so please answer.

17 A. No, I don't believe that I did either positive
18 or negative. I got no feedback that I recall.

19 Q. (By Mr. Stein) What is a supplemental DIMS
20 narrative?

21 A. A supplemental DIMS narrative is also referred
22 to in our office as a DIMS 41 statement. That is a
23 statement that is entered into the J-Web system that
24 provides additional sworn information from either the
25 original filing officer after a conversation with a

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1 in the intake division about what information they must
2 disclose at the time of the 15.17 hearing?

3 A. Since the Public Defender's Office and the
4 hearing officers have access to all of the same
5 information that we do for purposes of the bail hearing,
6 that being the DIMS summary, their local criminal
7 history, if they have any, their what's called a
8 criminal history 3 which is local, state and federal
9 criminal history, if they have any.

10 The only additional information that we
11 provide is if we have any other information that is --
12 that we intend to argue any information that is not
13 included in all of that other information that is
14 already provided. That's an unusual circumstance.

15 Perhaps if we discover case dispositions
16 of charges that are reflected in the criminal history,
17 then we provide that information. But typically, we
18 don't have any more information than is already known to
19 all parties at the time of the 15.17 hearing.

20 Q. Does HCDAO policy or practice require
21 prosecutors to disclose, prior to the bail hearing
22 before the district court judge, any information in
23 their possession that tends to strengthen an arrestee's
24 arguments for personal bond or low bail?

25 MR. NICHOLS: Objection, form.

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1 A. Again, we are under Brady obligations as well
2 as discovery obligations. And at the time of first
3 appearance in the home court, the prosecutor is not
4 going to have much more information than we have at the
5 15.17 hearings. But if they do, then they -- and it's
6 potentially Brady information or otherwise discoverable,
7 then they are obligated to turn over that information to
8 the defense at that time.

9 Q. (By Mr. Stein) So it's HCDAO policy that
10 information that strengthens an arrestee's arguments for
11 personal bond or low bail must be turned over by the
12 time of first appearance if the prosecutor has it?

13 MR. NICHOLS: Objection, form, and beyond
14 the scope.

15 Are you asking her about Brady
16 obligations, or are you asking her about something else?

17 MR. STEIN: I'm asking about HCDAO's
18 policy about whether or not prosecutors must disclose
19 that information relating specifically to bail.

20 MR. NICHOLS: Yeah.

21 MR. STEIN: By the time of the bail
22 hearing before the district court judge.

23 MR. NICHOLS: Yeah. And this is we --
24 I'll object to form and beyond the scope in terms of
25 having this witness engage with you in an interpretation